S.B. Civil First Appeal No. 467/2003
Madan Lal & another Vs. Superintending Engineer & Anr.
Date of Order: 04.10.2006

HON'BLE MR. K.C.SHARMA, J.

Mr. Praveen Jain for the appellants
Mr. Sandeep Saxena for the respondents.

Heard learned counsel for the parties.

An unfortunate incident took place where the appellants' son Dharamraj aged 9 years lost his life. As per the averments of the plaint, on 30.12.200o at about 4.30 PM while Dharmraj was on way to his house the live electric wire fell on him, which resulted in causing serious burn injuries to him. He remained under treatment in burn unit of SMS Hospital where and during treatment he last breathed on 22.2.2001. It was averred that incident occurred on account of carelessness and negligence on the part of employees of the respondents.

The plaintiff appellants, parents of deceased Dharmraj, filed a suit for compensation, claiming Rs. 29,32,000/-. The trial court vide its judgment and decree dated 25.4.2003 decreed the plaintiffs' suit only for a sum of Rs. 80,000/-.

Mr. Jain, learned counsel for the appellants has contended that victim at the time of his death was

hardly 9 years old and was a brilliant student. Had he survived he would have earned substantial amount for the benefit of his parents and therefore, taking into consideration the future prospects of the deceased the amount of compensation may reasonably be enhanced. In support of his contention, learned counsel has relied upon a decision of the Apex Court in Shanti Bai Vs. Charan Singh (AIR 1999 SC 845), wherein their Lordships while dealing with a case where a boy of 18 years was run over by a truck, enhanced the amount of compensation from Rs. 40,000/- to Rs. 1,50,000/-. Mr. Jain has also brought to my notice a decision of this court in the matter arising out of the same incident where a boy aged 13 years had lost his life and this court while deciding Civil First Appeal No. 410/2003 vide order dated 19.4.2005 relied upon the decision of the Apex Court in Shanti Bai's case (supra) and enhanced the amount of compensation from Rs. 80000/- to Rs. 1,50,000/-.

I have considered the above argument and gone through the case law cited at the bar. In my considered view, as the victim was a student of 9 years at the time of his death, it is obvious that had he survived,

he would have earned substantial amount for the benefit of his parents, the present appellants. Thus, total compensation of Rs. 80000/- as has been awarded by the trial court, in my considered view, is too meagre. In this view of the matter, relying upon the decision of the Apex Court in Shanti Bai's case (supra) and even taking a reasonable view of the amount which the deceased would have earned, had he survived, considering the future economic prospects of the deceased I consider it just and proper to increase the amount of compnesation to a lump sum amount of Rs. 1,50,000/-.

Consequently, the amount of compensation of Rs. 80,000/- awarded by the trial court is enhanced to a lump sum amount of Rs. 1,50,000/-. Meaning thereby, the appellant will be entitled to an additional amount of Rs. 70,000/- as Rs. 80000/- have already been awarded by the trial court. The respondents are directed the deposit a sum of Rs. 70,000/- along with interest @ 6% from the date of filing of suit till the actual deposit. The said deposit shall be made with the trial court by the respondents within 2 months from the date of this order.

The appeal stands disposed of in the manner indicated above.

No order as to costs.

(Khem Chand Sharma), J.

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